IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11266 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIGNASABEN MULCHANDBHAI PATEL

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 11266 of 2001

MR RASIK V MANDANI for Petitioner No. 1

MR NJ SHAH for MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 04/12/2001

ORAL JUDGEMENT

1. Rule. Mr. N.J. Shah, learned Advocate for Mr. D.N. Patel, learned Standing Counsel appearing for the respondent authority, appears and waives service of Rule.

2. By means of this petition, the petitioner has sought for a direction to the respondent authority to correct the name of the father and mother of the petitioner as "Shri Mulchandbhai Parshottambhai Patel" and "Smt.Lalitaben Mulchandbhai Patel" respectively in the passport instead of "Shri Sureshbhai Nathubhai Patel" and "Smt.Sudhaben Sureshbhai Patel", which are wrongly mentioned. It is stated by the petitioner that the correct name of her father and mother is Shri Mulchandbhai Parshottambhai Patel and Smt. Lalitaben Mulchandbhai Patel respectively, as mentioned in the birth certificate. But, due to some inadvertence the names of father and mother of the petitioner are wrongly mentioned in the passport.

3. The petitioner has moved before the respondent authority concerned for correction of her father's and mother's name in the passport. But, the respondent authority has not entertained the request of the petitioner and informed the petitioner that it has no power or authority to make such correction in the names of father and mother of the petitioner unless and until some order is passed by the Court of law.

4. In the facts and circumstances of this case, this application is disposed of finally and the respondent authority concerned is directed to entertain, consider and decide the application, which shall be made by the petitioner, in accordance with law and in case of decision being in favour of the petitioner, make correction with regard to the names of the petitioner's father and mother as "Shri Mulchandbhai Parshottambhai Patel" and "Smt.Lalitaben Mulchandbhai Patel" respectively instead of Shri Sureshbhai Nathubhai Patel and Smt.Sudhaben Sureshbhai Patel, in the passport on the basis of the birth certificate produced by the petitioner and to issue the passport with correct names of petitioner's father and mother as "Shri Mulchandbhai Parshottambhai Patel" and "Smt.Lalitaben Mulchandbhai Patel" respectively, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent only. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)

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